UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,200	08/24/2001	Andrea Califano	FGTI-P01-002	3382

23910	7590	05/10/2005

FLIESLER MEYER, LLP
FOUR EMBARCADERO CENTER
SUITE 400
SAN FRANCISCO, CA 94111

EXAMINER
ABRISHAMKAR, KAVEH

ART UNIT	PAPER NUMBER
2131	

DATE MAILED: 05/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/939,200	CALIFANO ET AL.
	Examiner	Art Unit	
	Kaveh Abrishamkar	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _16 February 2005_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1,2,4 and 6-23_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1,2,4, and 6-23_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

Response to Amendment

1.   This action is in response to the amendment received on February 16, 2005.

Claims 1-23 were originally received for consideration. Per the received amendment,

claims 1,2,4,6-23 are amended, and claims 3 and 5 are cancelled. Claims 1,2,4, and 6-

23 are currently being considered.

Response to Arguments

2.   The applicant's argument received on February 16, 2005 were considered but

were not persuasive for the following reasons:

        Regarding amended independent claims 1 and 13, the applicant argues that the

cited prior art (CPA), Lirov et al. (U.S. Patent No. 6,758,810), does not disclose "a

private identity generator for generating a unique private identity for the individual

independent of the identity information." This argument is not found persuasive. The

CPA discloses that each user (patient) has an associated private key (private identity)

which is independent of the identity information (column 5 lines 4-13). Each of these

private keys (private identities) are encrypted and stored in a database. Therefore it is

believed that the private identity is disclosed in the CPA by the virtue of the private keys

individually generated for each user (patient). Furthermore, the applicant argues that

the CPA does not teach "a means for employing the private identity as a relational link key for relating medical data associated with the individual to the encryption key associated with the individual." This argument is not found persuasive. The CPA disclose that the medical information is encrypted using a user's public key (encryption key associated with the individual) (column 5 lines 53-67). The private key (private identity) is then used to decrypt the sensitive medical data and retrieve the medical information (column 5 lines 65-67). Therefore, the medical information is related to the private key (private identity), as the private key (private identity) is the only means to retrieve the encrypted user medical information.

The rejection for the claims 1,2,4, and 6-23 are maintained as given below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1,2,4, and 6-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Lirov et al. (U.S. Patent 6,785,810).

Regarding claim 1, Lirov discloses:

A system for securely storing medical data, comprising:

an input process allowing an individual to enter identity information and medical data to associate with the identity information and including a private identity generator for generating a unique private identity for the individual independent of the identity information (column 4 line 62 - column 5 line 13, column 9 line 62 – column 10 line 4);

an encryption key process for providing to each individual an encryption key for encrypting medical data associated with the individual (column 5 line 4 – column 6 line 38); and

a data table generator for storing medical data including encrypted medical data, in a table, whereby stored medical data from different individuals may be encrypted with different encryption keys (Figure 1a item 105, column 5 lines 53 – column 6 line 11).

Regarding claim 13, Lirov discloses:

A system for storing medical data, comprising:

an input process for allowing an individual to enter identity information and medical data to associate with the identity information (column 4 line 62 - column 5 line 3, column 9 line 62 – column 10 line 4);

a private identity generator for generating a unique private identity for the individual independent of the identity information (column 5 line 4 – column 6 line 38);

a unique private identity for the individual (column 5 line 4 – column 6 line 38);

an encryption key process for providing to the individual a respective encryption

key for encrypting the medical data of the individual (column 5 line 4 – column 6 line

38);

a relational link generator for providing relational links for the medical data and

the encryption key associated with the individual, whereby the medical data and

encryption key can be stored in a table of a relational database (Figure 1a item 105,

column 5 lines 53 – column 6 line 11).

Regarding claim 18, Lirov discloses:

A process for controlling access to medical data, comprising:

allowing an individual to provide medical data and identity information (column 4

line 62 - column 5 line 3, column 9 line 62 – column 10 line 4);

providing the individual with a private identity independent of the identity

information and storing the medical data and identity information in tables of a relational

database employing the private identity to provide a relational link to the medical and

identity data (Figure 1a item 105, column 5 line 4 – column 6 line 38);

employing the private identity to create an encryption key for the respective

individual (column 5 line 4 – column 6 line 38); and

encrypting, as a function of the encrypting key, medical data associated with the

individual, whereby medical data of different individuals are encrypted with different

respective encryption keys (column 5 line 4 – column 6 line 38).

Claim 2 is rejected as applied above in rejecting claim 1. Furthermore, Lirov discloses:

A system according to claim 1, further comprising a key table generator for

storing the encryption key in a key table (Figure 1a item 115, column 5 lines 4 – 33).

Claim 14 is rejected as applied above in rejecting claim 13. Furthermore, Lirov

discloses:

A system according to claim 13, wherein the relational link generator includes an

encryption process for encrypting a relational link for accessing medical and/or the

encryption key (column 5 lines 4 – 6, column 6 lines 12 – 27).

Claim 15 is rejected as applied above in rejecting claim 13. Furthermore, Lirov

discloses:

A system according to claim 13, wherein the relational link generator includes a

hash process for generating a relational link as a hash function of the private identity

(column 5 lines 27 – 33, column 5 lines 12 – 27).

Claim 16 is rejected as applied above in rejecting claim 13. Furthermore, Lirov

discloses:

A system according to claim 13, wherein the private identity generator includes a

random number generator for generating the private identity as a function of a random

number (column 5 line 4 – column 6 line 38).

Claim 19 is rejected as applied above in rejecting claim 18. Furthermore, Lirov

discloses:

A process according to claim 18, further comprising:

allowing a medical professional to search the relational database to identify

medical data of interest.(column 6 lines 18 – 38, column 7 lines 54 – 65).

Claim 20 is rejected as applied above in rejecting claim 18. Furthermore, Lirov

discloses:

A process according to claim 18, further comprising:

allowing a medical professional to request identity information associated with

medical data in the relational data base, and employing the private identity to notify the

respective individual of the request (column 6 lines 18 – 38, column 7 lines 54 – 65).

Claim 21 is rejected as applied above in rejecting claim 18. Furthermore, Lirov

discloses:

A process according to claim 18, further comprising:

allowing the individual to control access to the medical data of the individual

(Table 1, column 4 lines 10 – 21).

Claim 22 is rejected as applied above in rejecting claim 18. Furthermore, Lirov

discloses:

A process according to claim 18, further comprising:

allowing the individual to store portions of the medical data in the clear and

portions in an encrypted form (column 4 line 62 – column 5 line 3).

Claim 4 is rejected as applied above in rejecting claim 1. Furthermore, Lirov discloses:

A system according to claim 1, wherein the private identity generator includes a

random number generator for generating a random number for the private identity

(column 5 line 4 – column 6 line 38).

Claim 6 is rejected as applied above in rejecting claim 1. Furthermore, Lirov discloses:

A system according to claim 1, further including:

means for employing the private identity as a relational link key for relating

medical data associated with the individual to the encryption key associated with the

individual (column 5 lines 4 – 6, column 6 lines 12 – 27).

Claim 7 is rejected as applied above in rejecting claim 1. Furthermore, Lirov discloses:

A system according to claim 1, wherein the encryption key process includes:

a process for generating the encryption key as a function of the private identity

(column 5 line 4 – column 6 line 38).

Claim 8 is rejected as applied above in rejecting claim 1. Furthermore, Lirov discloses:

A system according to claim 1 wherein the encryption key process includes:

a process for generating the encryption key as an asymmetric function of the

private identity (column 5 line 4 – column 6 line 38).

Claim 9 is rejected as applied above in rejecting claim 1. Furthermore, Lirov discloses:

A system according to claim 1 wherein the encryption key process includes:

a process for generating the encryption key as a symmetric function of the

private identity (column 5 line 4 – column 6 line 38).

Claim 10 is rejected as applied above in rejecting claim 2. Furthermore, Lirov discloses:

A system according to claim 2, further including:

a table encryption process for encrypting the key table to secure the encryption

key stored therein (column 5 lines 4 – 13).

Claim 11 is rejected as applied above in rejecting claim 1. Furthermore, Lirov discloses:

A system according to claim 1, further comprising:

a relational link generator for processing the private identity to generate a

relational link for associating medical data in the data table with a respective private

identity (column 5 lines 4 – 6, column 6 lines 12 – 27).

Claim 12 is rejected as applied above in rejecting claim 11. Furthermore, Lirov

discloses:

A system according to claim 11, wherein the relational link generator includes a process for processing the private identity selected from the group consisting of a symmetric key algorithm, an asymmetric key algorithm, an asymmetric key algorithm, and a hash algorithm (column 5 line 4 – column 6 line 38).

Claim 17 is rejected as applied above in rejecting claim 16. Furthermore, Lirov discloses:

A system according to claim 16, wherein the relational link generator includes a process for encrypting the private identity to provide an encrypted relational link (column 5 lines 4 – 13).

Claim 23 is rejected as applied above in rejecting claim 22. Furthermore, Lirov discloses:

A process according to claim 22, comprising:

allowing a medical professional to search the relational database (Table 1, column 4 lines 10 – 21, column 6 lines 18 – 38, column 7 lines 54 – 65).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kaveh Abrishamkar whose telephone number is 571-

272-3786. The examiner can normally be reached on Monday thru Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

KA
05/02/05

AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100